

**CITY OF MILTON  
PLAN COMMISSION – BUSINESS AND MANUFACTURING ZONING**

**Conditional Use Permit Findings of Fact**

Applicant Name: Precision Metal Fab Inc. (circle one) Property Owner Tenant

Property Address: 124 Sunnyside Dr. Please note: if applicant is Tenant of said property, written authorization for this Conditional Use Permit request must be submitted as an attachment.

Conditional Use Permit Request: Install paint booth inside existing building

Applicable Ordinance Section: 78-814 (9) Zoning of Property: M1

Plan Commission Public Hearing Date: 01-12-2016

Please note: Attendance at the Plan Commission public hearing is required in the case of additional questions or submission of additional findings that pertain to the Conditional Use Permit request.

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This Recommended Conclusions and Findings of Fact is intended to document compliance with the provisions of Sec. 78-91(b), which states that:

*Prior to approval or denial by the common council, the plan commission shall review the applicable facts pertaining to the proposed conditional use as found in this division and shall recommend approval or denial of the conditional use after public hearing and consideration of the purpose and intent of the district, the purpose and intent of this chapter, the standards applicable to conditional uses in this division, the standards for evaluating conditional uses enumerated in division 6 of this article, and the performance standards enumerated in division 2, article IV of this chapter.*

The Plan Commission has considered the standards described below in light of the evidence and testimony presented by the applicant and the public regarding the CUP request. If these Recommended Conclusions and Findings of Fact are approved by the Plan Commission, they shall be incorporated into its decision to recommend approval or denial of the CUP application, including any changes adopted by the Commission.

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**II. THE PURPOSE AND INTENT OF THIS CHAPTER.**

Pursuant to sec. 78-3, the purpose of Chapter 78 is to:

- a. Promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of this community;
- b. Regulate and restrict the use of all lands and waters;
- c. Regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes;
- d. Further the appropriate use of land and conservation of natural resources;
- e. Stabilize and protect property values;
- f. Preserve and promote the beauty of the community;
- g. Preserve productive and historic agricultural soils; and
- h. Implement the community's master plan or plan components.

- (1) Amount of daily and peak-hour traffic to be generated, related to site size; traffic to be subclassified as to arterial, collector and local streets.
- (2) Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.
- (3) Expected composition of site-generated traffic by vehicle types.
- (4) Effect of site-generated traffic on the operation of the area.
- (5) Safety and convenience to future users.

**e. Sec. 78-186. Community effects.**

Community effects to be considered shall be as follows:

- (1) Immediate and long range tax base.
- (2) Access to market and service area.
- (3) Relation to scenic or recreation values.
- (4) Relation to the public interest, the purpose and intent of this chapter and substantial justice to all parties concerned.
- (5) Compliance with the comprehensive (master) plan's goals and objectives.
- (6) Relation of the project density to population density in the surrounding area.

**f. Sec. 78-187. Other relevant factors.**

Other relevant factors are as follows:

- (1) The performance standards in division 2, article IV of this chapter.  
See Section V of these Conclusions and Findings of Fact.
- (2) Additional impacts.

**Findings:**

☒ *Not Applicable for the Proposed Use*

☐ *Compliance with this Section Shall be Demonstrated with Site Plan Submittal*

Comments: \_\_\_\_\_

**V. THE PERFORMANCE STANDARDS ENUMERATED IN DIVISION 2, ARTICLE IV OF THIS CHAPTER.**

Division 2, Article IV of Chapter 78 contains performance standards listed in Ordinance Sections 78-1052 through 78-1149. Section 78-1051 states that "no structure, land, or water shall hereafter be used except in compliance with their district regulations and with the performance standards of this division."

**Subdivision I**

**a. Sec. 78-1052. Air pollution.**

No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann chart described in the United States Bureau of Mine's Information Circular 7719.

**b. Sec. 78-1053. Fire and explosive hazards.**

300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

- (c) All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

**f. Sec. 78-1057. Odors.**

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises. The guide for determining odor measurement and control shall be Wis. Admin. Code § NR 154.18. Agriculture odors associated with normal agricultural activities are exempted from this section.

**g. Sec. 78-1058. Radioactivity and electrical disturbances.**

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

**h. Sec. 78-1059. Vibration.**

No activity in any district except the M-2 industrial district shall emit vibrations which are discernible without instruments outside its premises. No activity in an M-2 industrial district shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (cycles per second)	Outside the Premises	Outside the District
0 to 10	0.0020	0.0004
10 to 20	0.0010	0.0002
20 to 30	0.0006	0.0001
30 to 40	0.0004	0.0001
40 to 50	0.0003	0.0001
50 and over	0.0002	0.0001

**i. Sec. 78-1060. Water quality protection.**

- (a) No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.
- (b) In addition, no activity shall discharge any liquid, gaseous or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Wis. Admin. Code ch. NR 102 for all navigable waters.

All outside trash dumpsters and garbage receptacles shall be placed upon a concrete slab that has a thickness of not less than five inches.

**q. Sec. 78-1088. Adequate size to accommodate recycling materials.**

All trash dumpster and garbage receptacle areas shall be of an adequate size to accommodate the storage of materials to be recycled.

**Findings:**

☒ *Not Applicable for the Proposed Use*

☐ *Compliance with this Section Shall be Demonstrated with Site Plan Submittal*

Comments: \_\_\_\_\_

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**Subdivision III. Outdoor Lighting Standards**

**r. Sec. 78-1111. Purpose.**

The purpose of this subdivision is to provide for adequate and safe lighting of private property, while limiting light spillover and glare onto adjacent properties and public streets. Such limitations are intended to prevent the creation of nuisances, promote traffic safety, conserve energy, preserve the area's dark sky, and support astronomy activities.

**s. Sec. 78-1112. Applicability of subdivision provisions.** \_\_\_\_\_

This subdivision shall be applied to the installation of all new and replacement private outdoor lighting fixtures. Outdoor lighting fixtures legally installed prior to the effective date of the ordinance from which this subdivision is derived shall not be required to comply with these outdoor lighting standards; however, any replacement of such lighting fixtures shall comply with all outdoor lighting standards as set forth in this subdivision.

**t. Sec. 78-1113. Required lighting plan.**

Where a development requires site plan review under division 8, article II of this chapter, all outdoor lighting fixtures shall be depicted and described on the required site plan or on a separate lighting plan. Depending on the complexity of the proposal or projected impact of lighting, the city may also require the following information:

- (1) A catalog page, cut sheet, or photograph of the outdoor lighting fixtures, including the mounting method and light cutoff angles.
- (2) A photometric plot plan, drawn to the same scale as the site plan, and indicating the location of all lighting fixtures proposed, mounting and/or installation height in feet, the average illumination level (in footcandles) within the parking lot, and illumination levels at regular intervals around the site and at property lines.

**u. Sec. 78-1114. Maximum luminaire height.**

The maximum permitted luminaire height shall be 35 feet in all nonresidential zoning districts, and 25 feet in all residential districts. The height of both the pole and base shall be considered in the measurement of luminaire height. In no instance shall an outdoor lighting fixture in a

**bb. Sec. 78-1121. Street lighting.**

Street lighting shall conform to the standards set forth by the state for state and federal highways, the county for county highways, and the city for city streets and highways.

**Findings:**

☒ *Not Applicable for the Proposed Use*

☐ *Compliance with this Section Shall be Demonstrated with Site Plan Submittal*

Comments: \_\_\_\_\_

**Subdivision IV. Vehicular Access Standards**

**cc. Sec. 78-1141. Purpose of subdivision.**

The purpose of this subdivision is to promote the safety and general welfare of the public by alleviating or preventing congestion of public street rights-of-way through minimum public street access requirements applicable to private and public land uses.

**dd. Sec. 78-1142. Permit required.**

Each access point onto a public street or right-of-way shall have a permit issued by the director of public works per Wis. Stats. § 86.07(2).

**ee. Sec. 78-1143. Required access plan.**

Where a site plan is required for any project under division 8, article II of this chapter, any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan.

**ff. Sec. 78-1144. Number of access points.**

(a) Each lot shall have not more than two vehicular access points on any street frontage adjacent to any lot.

(b) In no instance shall any lot be permitted more than one vehicular access point on any one street if its frontage on such street is less than 100 linear feet (as measured along the right-of-way line).

(c) On arterial streets and in certain areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point located on an adjacent property or another street frontage.

(d) Vehicular access may be further restricted by the state on state and federal highways, and by the county on county highways.

**gg. Sec. 78-1145. Location of access points.**

(a) Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.

**Additional Conditions of Approval (if applicable):**

*Findings:* \_\_\_\_\_

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**Final Conclusions/Summary (if applicable):**

*Findings:* \_\_\_\_\_

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**Plan Commission Recommendation:**

Approve: \_\_\_\_\_ Deny: \_\_\_\_\_

Date: 01-12-2016

**Common Council Action:**

Approve: \_\_\_\_\_ Deny: \_\_\_\_\_

Date: 01-19-2016